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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,268	09/24/2003	Ravi Raj	08226/000S141-US0	6536
38880	7590	11/06/2009		
Yahoo! Inc. c/o DARBY & DARBY P.C. P.O. BOX 770 Church Street Station NEW YORK, NY 10008-0770			EXAMINER BOVEJA, NAMRATA	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 11/06/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/671,268

**Applicant(s)**

RAJ ET AL.

**Examiner**

PINKY BOVEJA

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 10/29/08 & 04/27/09  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communication filed on 06/26/2009.
2. Claims 1-30 are presented for examination.
3. Amendments to claims 1, 13, 17, 20-23, and 30, have been entered and considered.

**Claim Rejections - 35 USC § 112**

4. The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

- (A) the claims must set forth the subject matter that applicants regard as their invention; and
- (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

5. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by the selected method is "configured to enable," since it is unknown if this is referring to achieving this task for example by a computer program etc, and the Applicant has not explained what this limitation means or involves.
6. Claims 16 and 28 are rejected under 35 U.S.C. 112, second paragraph, since the limitation of one provided keyword further comprising at least one generated keyword that is related to the one provided keyword renders the claim indefinite. It is unclear what the Applicant means by a provided keyword comprising a generated keyword that is related to the provided keyword. It is incomprehensible how a provided keyword includes a provided keyword or is relevant to the provided keyword. The Applicant has

not identified any support for these limitations either. It is interpreted to mean that a keyword can be provided or a new keyword can be generated that is related to the first provided keyword.

7. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server wherein advertiser data further comprises multiple versions... render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise, because the claims begin by discussing a system (server), but subsequently the claims then deal with types of the advertiser data. The server wherein advertising data includes a listing presented in the claim is indefinite, because it is not the server that has this advertising data, but rather a program embedded in a computer readable medium such as a server that has this data. It is unclear if the Applicant is claiming a server or types of data stored in a computer program. It is interpreted to mean that a URL associated with a keyword is stored on a computer readable medium. Additionally, claim 19 recites data further comprises multiple version of advertising copy, and it is unclear what the Applicant means by this limitation. It is interpreted that multiple versions of an advertisement can be provided. Appropriate correction is required.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7-9, 11-28, and 30 are rejected under U.S.C. 103(a) as being unpatentable over *Singh et al. (Patent Number 7,231,358 hereinafter Singh)* in view of *Davis et al. (Patent Number 6,269,361 hereinafter Davis)*.

In reference to claims 1, 23, and 30, *Singh* teaches an apparatus, a computer readable storage medium, and a method implemented on at least one network device, for placing predetermined content in a result from a sponsored search, comprising: providing at least a budget for placing at least one bid on a keyword, wherein the at least one bid is associated with the predetermined content, and wherein the predetermined content corresponds to the keyword (*col. 2 lines 52-60, col. 3 lines 22-44, and col. 6 lines 21-48*); *selecting at least one predetermined method for placing the at least one bid for the keyword in the result from the sponsored search, wherein the at least one selected method is enabled to optimize a plurality of separate bids for corresponding keywords, and wherein the optimization is based on an estimated number of clicks on content in the result from the sponsored search, and wherein the provided budget is available for use with the at least one selected method (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30); automatically placing the at least one bid on the keyword based on the at least one selected method and the provided budget, wherein automatically placing the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids, and wherein the*

*optimized plurality of separate bids includes the at least one placed bid (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30).*

*Singh does not specifically teach displaying the predetermined content that is associated with the at least one placed bid, and wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search. Davis teaches displaying the predetermined content that is associated with the at least one placed bid, wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include displaying the predetermined content that is associated with the at least one placed bid, and wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search to ensure that the winning advertisers information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.*

9. In reference to claims 2 and 24, *Singh does not specifically teach the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid.*

Davis teaches the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid (col. 13 lines 10-25, col. 19 lines 8-58, and Figure 9). *It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include in acquiring of the placement of the predetermined content ranking of the predetermined content based in part on the value of each bid to ensure that the winning advertisers information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.*

10. In reference to claims 3, 14, and 25, *Singh* teaches the method and program wherein placing the at least one bid further comprises at least one of placing a bid to acquire the placement of predetermined content in at least one of a lower position in the result of the sponsored search, and placing a bid to acquire the placement of predetermined content in at least one of a first three positions in the result of the sponsored search (*col. 14 lines 44 to col. 15 lines 30*).

11. In reference to claims 4, 5, 15, 26, and 27, *Singh* teaches the method and program wherein the at least one selected method includes optimization of the plurality of separate bids based on a cost per acquisition (CPA) method, comprising at least one of minimum cost for maximum acquisitions (*col. 7 lines 27-40 and col. 11 lines 48-50*). (Note: claims 5 and 27 were not considered, since the first option of minimum cost for maximum acquisitions was selected in claims 4 and 26).

12. In reference to claims 7, 16, and 28, *Singh does not specifically teach the method and program wherein the keyword further comprises at least one of a provided*

*keyword, and a generated keyword that is related to the provided keyword. Davis teaches the method and program wherein the keyword further comprises at least one of a provided keyword (i.e. advertiser provides the keyword) (col. 5 lines 18-34), and a generated keyword that is related to the provided keyword (i.e. system generates synonyms for the advertiser provided keyword) (col. 20 lines 46-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include the keyword further comprising at least one of a provided keyword, and a generated keyword that is related to the provided keyword to suggest to the advertiser additional keywords on which the advertiser may want to consider bidding.*

13. In reference to claims 8 and 9, *Singh* teaches the method further comprising providing information that is employed by the at least one selected method to place the at least one bid, wherein the provided information further includes start time *col. 6 lines 23-36*), stop time (*col. 6 lines 23-36*), and relevant keywords (*col. 10 lines 53-57*) (Note: claim 9 was not considered, since the first option of position in ranked list of sponsored search result was selected in claim 8).

14. In reference to claims 11 and 12, *Singh does not specifically teach the method further comprising: determining multiple versions of predetermined content that corresponds to the keyword; alternating between each version of predetermined content placed in the result for the sponsored search; determining a number of clicks associated with each of the multiple versions of predetermined content.* Davis teaches the method further comprising: determining multiple versions of predetermined content that



corresponds to the keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); alternating between each version of predetermined content placed in the result for the sponsored search (i.e. higher ranked listings are displayed first and the ranks can change in real time based on a bid amount) (col. 17 lines 53 to col. 18 lines 36 and Figure 7); determining a number of clicks associated with each of the multiple versions of predetermined content (i.e. recording click throughs) (col. 17 lines 63 to col. 18 lines 3). *It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include determining multiple versions of predetermined content that corresponds to the keyword; alternating between each version of predetermined content placed in the result for the sponsored search; determining a number of clicks associated with each of the multiple versions of predetermined content to ensure that users are provided with the version of the content that is of most interest to the users.*

*Singh also does not specifically teach selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor. Mason teaches selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor (col. 6 lines 36-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include selecting a version of predetermined content that is*

associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result and is based on a weighting factor in the sponsored search to ensure that users are provided with the most relevant results that may or may not be the highest paid results.

15. In reference to claim 13, *Singh teaches a method for managing an advertising campaign for a sponsored search, comprising: providing at least one keyword (col. 6 lines 21-60). Singh does not specifically teach providing advertising text wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword. Davis teaches providing advertising text (col. 19 lines 59 to col. 20 lines 5) wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include providing advertising text wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword to enable the user to view the content provided by the highest paying advertiser first.*

*Singh teaches a method for providing a budget for automatically generating the at least one bid for each provided keyword of the at least one keyword over the period*

*of time, wherein at least one bid for each provided keyword is dependent on at least the provided budget and the desired number of total clicks for the at least one provided keyword (col. 6 lines 1 to col. 15 lines 30); selecting at least one method for placing each at least one bid for each provided keyword of the at least one keyword over the period of time, wherein the at least one selected method is enabled to optimizes a plurality of separate bids for each provided keyword, and wherein the optimization is based on the provided budget and an estimated number of clicks on content in the result from the sponsored search (col. 6 lines 1 to col. 15 lines 30); and in response to a request for at least one provided keyword of the at least one keyword, employing the at least one selected method to automatically generate the at least one bid for the at least one requested keyword for placement of the provided advertising text on the displayed list, wherein employing the at least one selected method includes optimizing optimizes the plurality, of separate bids based on the provided budget and the estimated number of clicks, and wherein the optimized plurality of separate bids includes including the at least one generated bid (col. 6 lines 1 to col. 15 lines 30).*

16. *In reference to claim 17, Singh teaches a server for placing advertiser data in a result from a sponsored search, comprising: a memory for storing logical instructions (col. 16 lines 66 to col. 17 lines 8); a transceiver for communicating over a network (Figure 1), including receiving advertiser data (Figure 9), and a processor for executing the logical instructions stored in the memory, the logical instructions, when executed, causing actions to be performed, including (col. 16 lines 66 to col. 17 lines 8): receiving at least a budget to be provided for placing at least one bid on a keyword, wherein the*

*at least one bid is associated with advertiser data that corresponds to the keyword (col. 6 lines 1 to col. 15 lines 30); receiving a selection of at least one method performed by the server for placing the at least one bid for the keyword in the result from the sponsored search, wherein the at least one selected method is enabled to optimize a plurality of separate bids for corresponding keywords, and wherein the optimization is based on an estimated number of clicks on data in the result from the sponsored search (col. 6 lines 1 to col. 15 lines 30); automatically determining placement of the at least one bid for the keyword based on the at least one selected method and the received budget, wherein automatically determining placement of the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids including the at least one bid (col. 6 lines 1 to col. 15 lines 30).*

*Singh does not specifically teach displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search. Davis teaches displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search to ensure that the winning advertisers*

*information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.*

17. *In reference to claim 18, Singh teaches the server wherein the advertiser data further comprises of a time interval (col. 6 lines 21-47).*

18. Claim 19 recites data further comprises multiple version of advertising copy, and this is interpreted that multiple versions of an advertisement can be provided. *Singh* does not teach providing multiple versions of an advertisement. *Mason* teaches providing multiple versions of an advertisement (col. 4 lines 54 to col. 5 lines 3 and col. 6 lines 33-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify *Singh* to include providing multiple versions of an advertisement to enable the advertisers to determine which advertisements are the most effective.

19. *In reference to claim 20, Singh teaches the server, wherein the at least one selected method performed by the server includes optimization of the plurality of separate bids based on a cost per acquisition (CPA) method, comprising at least one of minimum cost for maximum acquisitions (col. 7 lines 27-40 and col. 11 lines 48-50).*

20. *In reference to claim 21, Singh teaches the server further comprising a user interface application configured to receive the advertiser data (Figures 1-6 and 9).*

21. *In reference to claim 22, Singh teaches the server wherein the user interface application further comprises a graphical interface displayable at a client (Figures 1-6 and 9), the graphical interface further comprises: an entry box configured to receive at least one of the budget (Figure 9), desired number of clicks, time zone, start time, stop*

*time, number of clicks per day, position, relevant keywords (Figures 2, 5, and 7), advertising headline, advertising copy, and a URL; and a control means for enabling, an optimization of the received advertiser data, and the determination of the method (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30).*

*Singh does not specifically teach the server wherein the control means enable for the generation of additional keywords. Davis teaches the server wherein the control means enable for the generation of additional keywords (i.e. system generates synonyms for the advertiser provided keyword) (col. 20 lines 46-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include control means to enable for the generation of additional keywords to suggest to the advertiser additional keywords on which the advertiser may want to consider bidding.*

22. Claims 10 and 29 are rejected under U.S.C. 103(a) as being unpatentable over *Singh* in view of *Davis* and further in view of *McGregor* (Publication Number US 2002/0026360 A1 hereinafter *McGregor*).

In reference to claims 10 and 29, *Singh* does not teach the method and computer readable storage medium further comprising providing a profile that is employed to provide at least one of the keyword, the budget, and selection of the at least one method for bidding on the keyword.

*McGregor* teaches the method and program further comprising providing a profile that is employed to provide at least one of the keyword (i.e. profile comprises of and yields keywords) (page 6 paragraphs 59-61). It would have been obvious to a person of

ordinary skill in the art at the time of the applicant's invention to modify *Singh* to include providing a profile that is employed to provide at least one of the keyword to provide an additional method of generating keywords for advertisers who may not want to specify keywords on their own.

23. Claim 6 is rejected under U.S.C. 103(a) as being unpatentable over *Singh in view of Davis* and further in view of Official Notice.

In reference to claim 6, *Singh* does not teach the method wherein at least one selected method is configured to enable an unused portion of the budget for a time interval to be included in another time interval. Official Notice is taken that it is old and well known to enable an unused portion of the budget for a time interval to be included in another time interval. For example, if a user overpays a credit card bill, then this surplus payment can be applied to the following bill or be returned to the user as a check. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have included the option of applying an unused portion of the budget for a time interval in another time interval to save time involved in issuing a check for the credit balance, especially when the client is a repeat and regular client.

**Response to Arguments**

24. After careful review of Applicant's remarks/arguments filed on 06/26/2009, the Examiner fully considered the arguments, but they are moot in view of the new ground(s) of rejection. Amendments to claims 1, 13, 17, 20-23, and 30, have been entered and considered.

25. While the Applicant's amendments have addressed the 35 U.S.C. 101 rejections

and several of the 35 U.S.C. 112 rejections, there still some 35 U.S.C. 112 rejections that have not been successfully addressed by the Applicant as explained in the Office Action above.

26. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Primary Examiner, Art Unit 3622